



Filed: 3/16/2005

09400HB0002ham002

LRB094 03433 MKM 43860 a

1 AMENDMENT TO HOUSE BILL 2

2 AMENDMENT NO. _____. Amend House Bill 2, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 5. The Property Tax Code is amended by adding
6 Section 21-81 as follows:

7 (35 ILCS 200/21-81 new)

8 Sec. 21-81. Liability for waste.

9 (a) If a county or municipality could acquire an interest
10 in property by any method to which Section 21-95 applies, then
11 the governing body of that county or municipality may deliver
12 to the county clerk a notice that the county or municipality
13 may acquire an interest in the property. The notice (i) shall
14 include the location of the property and the legal description
15 or permanent index number of the property and (ii) shall state
16 that the county or municipality could acquire an interest in
17 the property and that if waste is committed or suffered, each
18 person whose acts or omissions caused the waste is jointly and
19 severally liable to the county or municipality for the entire
20 amount of the diminishment of the fair market value of the
21 property. Within 5 business days after receipt of the notice,
22 the clerk shall mail the notice to the party in whose name
23 taxes were last assessed, as shown by the most recent tax
24 collector's warrant books. Notice shall be deemed to have been

1 received by the proper party within 3 business days after it is
2 mailed to the proper party by the clerk. In addition, upon
3 receipt of the notice, the proper party must promptly post
4 copies of the notice throughout the premises and mail copies of
5 the notice to all owners, occupants, and other interested
6 persons; failure to do so shall be deemed suffering waste to be
7 committed.

8 (b) If a county or municipality acquires an interest in
9 property by any method to which Section 21-95 applies, then
10 that county or municipality may petition the circuit court for
11 a determination of the following:

12 (1) that waste was committed or suffered on the
13 property on or after the date that a notice was received by
14 the proper party under subsection (a) but on or before the
15 date the county or municipality acquired title to the
16 property by deed; and

17 (2) the extent to which the fair market value of the
18 property has been diminished by the waste.

19 (c) If the court determines that, on or after the date that
20 notice was received by the proper party under subsection (a)
21 but on or before the date the county or municipality acquired
22 title to the property by deed: (i) waste was committed or
23 suffered on the property and (ii) the fair market value of the
24 property was thereby diminished, then each person whose acts or
25 omissions caused the waste is jointly and severally liable to
26 the county or municipality for the entire amount of the
27 diminishment of the fair market value of the property. If the
28 property was acquired because taxes were delinquent on the
29 property, the amount received by the county or municipality
30 shall be distributed proportionally to each taxing district
31 based upon the proportion of taxes owed to that taxing
32 district. In addition, the county or municipality shall be
33 awarded its costs and reasonable attorneys' fees and litigation
34 expenses.

1 (d) The remedies provided under this Section are in
2 addition to any remedies provided under Section 21-80.

3 Section 99. Effective date. This Act takes effect upon
4 becoming law.".